

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RAFAEL TORMES-ORTIZ
PETITIONER - APPELLANT
VS
U.S. OF AMERICA
RESPONDANT

CIVIL #: CV-97-1618(JP)
CR-88-253 (GG)

RE-CERTIFICATE
APPEALABILITY

RECEIVED AND FILED
2007 APR 26 AM 11:33
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

JURISDICTION

COMES NOW RAFAEL TORMES-ORTIZ
and INSIGENT. PURSUANT TO F.R.A.P. RULE 4 to
MOVE THIS HON. COURT FOR NOTICE OF APPEAL
FROM AN ORDER TO DISMISS WITH PREJUDICE by
THIS DISTRICT COURT.

IN FURTHERANCE IT IS STATED
AS FOLLOWS:

1. ON DEC-20th 2006 THIS COURT ENTERED JUDGMENT
-DISMISSING WITH PREJUDICE- PETITIONERS COMPLAINT
for relief under 28 U.S.C. § 2255. (see exhibit A)
2. ON JANUARY 18th 2007 Petitioners
filed a motion with the Clerk of the Court
a motion of NOTICE OF APPEAL. In that motion
Petitioner asks for the U.S. Court of Appeals to appoint
counsel for PETITIONER (SEE EXHIBIT B)
3. ON 4-13-07. PETITIONER RECEIVED A NOTICE-FROM
U.S. COURTS OF APPEALS FOR THE FIRST CIRCUIT-

SIGNED by the Chief Deputy Clerk, advising the Petitioner that the following must be done by April 20th 2007.

a) That a total of \$455.00 must be paid in accordance with Rule 3(b).

b) If appellant is indigent and unable to pay for docketing fees, an application to proceed on appeal in forma pauperis must first be filed in the District Court of Puerto Rico.

c) That I advise the Court of Appeals a status of the process by April 20-2007.

This Motion is A result of the above stated letter (SEE EXHIBIT C)

4. Many of Petitioners ISSUES ARE OF Constitutional dimension and violations of Petitioners Sixth Amendment.

5. Because Petitioner is not well versed in legal terms and is housed in an institution which Petitioner does not have access to legal assistance, Petitioner was not aware of the requirements that were addressed in the letter I identified as (exhibit C)

Wherefore, Petitioner Would Move for This Hon. Court to Grant Petitioner a Certificate OF APPEALABILITY.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was

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CV. 97-1618(P)

mailed this 16th day of April 2007
to the following

Respectfully Submitted
Rafael Torres-ORTIZ
REG # 44128-080
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FLORENCE, Co. 81226

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